

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YEMISI AKINYEMI,

Plaintiff,

 $\mathbf{y}_i$ 

MICHAEL CHERTOFF, SECRETARY,  
DEPARTMENT OF HOMELAND  
SECURITY,

Defendant.

07 Civ. 4048 (AJP)

**FILED UNDER SEAL  
(PUBLIC VERSION)**

## SUPPLEMENTAL DECLARATION OF JOHN D. CLOPPER

I, John D. Clopper, do hereby state and declare as follows in accordance with the provisions of 28 U.S.C. § 1746:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York. In this capacity, I represent Michael Chertoff, Secretary, Department of Homeland Security (the “Government”), in the above-captioned case. I submit this supplemental declaration in support of the Government’s motion for summary judgment.

2. Attached as Exhibit 1 is a true copy of a written statement of Yemisi Akinyemi, dated December 9, 2005.

3. Attached as Exhibit 2 is a true copy of relevant excerpts of the transcript of the deposition of Yemisi Akinyemi taken in this case on September 12, 2007.

4. Attached as Exhibit 3 is a true copy of a declaration of Customs and Border Protection (“CBP”) Officer Brendan McPhail, taken in the course of the administrative Equal Employment Opportunity proceedings underlying the above-captioned case.

5. Attached as Exhibit 4 is a true copy of relevant excerpts of the transcript of the deposition of Officer Brendan McPhail taken in this case on October 29, 2007.

6. Attached as Exhibit 5 is a true copy of relevant excerpts of the transcript of the deposition of Susan Mitchell taken in this case on October 4, 2007.

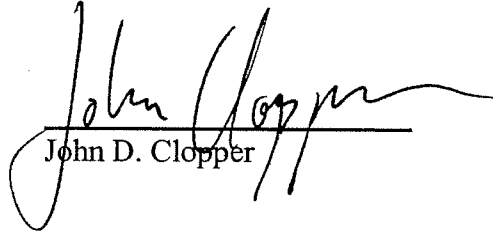
7. Attached as Exhibit 6 is a true copy of relevant excerpts of the transcript of the deposition of Akintunde Akinyemi taken in this case on November 16, 2007.

8. FILED UNDER SEAL – Attached as Exhibit 7 is a true copy of a Report of Investigation, dated June 28, 2002.

9. FILED UNDER SEAL – Attached as Exhibit 8 is a true copy of a memorandum from Santiago Villa to Terry Opiola.

I declare under penalty of perjury that the foregoing is true and correct based on information, knowledge, and belief.

Executed on March 14, 2008

  
John D. Clopper